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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,717	08/26/2003	Kelvin Ma	6198.8-1	4062
23559	7590	12/07/2004	EXAMINER	
MUNSCH, HARDT, KOPF & HARR, P.C. INTELLECTUAL PROPERTY DOCKET CLERK 1445 ROSS AVENUE, SUITE 4000 DALLAS, TX 75202-2790			KIANNI, KAVEH C	
			ART UNIT	PAPER NUMBER
			2883	

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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Enclosed is a supplemental restriction in which it also includes a new group of restriction A', A'', B' and B'' that was not included in paper no. 3.

DETAILED ACTION

Election/Restrictions (Supplemental)

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 23-34, drawn to an optical integrated circuit including wherein a second optical waveguide formed in a third dielectric layer disposed above the second dielectric layer and operable to conduct optical signals, whereby the optical interconnect is operable to conduct optical signals from the first optical waveguide to the second optical waveguide, classified in class 385, subclass 14.
 - II. Claims 1-22 and 35-36, drawn to a method of fabricating an integrated optical interconnection between components including the step of forming a conductive contact disposed above and approximate the second optical waveguide, the metal contact operable to make electrical connections between the components classified in class 385, subclass 8,15.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions Group I and Group II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case Group II can be used to make

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input/output couplers such as electro-optical switches in optical communications rather than a mere optical integrated circuit for transmitting optical light in invention 1.

3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

4. This application contains claims directed to the following patentably distinct species of the claimed invention:

Group II, claims 1-22 and 35-36, consists of patentably distinct species as follows:

A. Group invention A, claims 1-15 directed to a method of making optical interconnection between components including the step of forming a conductive contact disposed above and proximate the second optical waveguide to make electrical connections between components.

A' In group A, group A', claim 8 directed to wherein the first optical waveguide and the second optical waveguide are perpendicular with one another.

A'' In group A, group A'', claim 9 directed to wherein the first optical waveguide and the second optical waveguide are parallel with one another.

B. Group invention B, claims 16-22 directed to a method of an optical integrated circuit including the step of forming a third dopant region in the second layer of dielectric material and disposed above and proximate to the second

dopant region, the third dopant region operable to optically couple to the second dopant region.

B'. In group B, group B', claim 18, wherein forming the third dopant region comprises forming a third dopant region generally perpendicular with the first dopant region.

B''. In group B, group B'', claim 19, wherein forming the third dopant region comprises forming a third dopant region generally parallel with the first dopant region.

C. Group invention C, claims 35-36 directed to a method of an optical integrated circuit including the steps of forming a sacrificial layer above a substrate and forming a first dielectric layer above the sacrificial layer.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none of the claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

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are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

5. A telephone call was made to Mr. Baudino on 11/9/04 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Cyrus Kianni whose telephone number is (571) 272-2417:

The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 6:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font, can be reached at (571) 272-2415.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for formal communications intended for entry)

or:

Hand delivered responses should be brought to Crystal Plaza 4, 2021 South Clark Place, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956.



K. Cyrus Kianni
Patent Examiner
Group Art Unit 2883

November 29, 2004